

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN**

Imhoff Investment, LLC, a Michigan limited liability company, individually, and as the representative of a class of similarly situated persons,

Plaintiffs,

Civil Action No. 2:10-CV-10220
Honorable Avern Cohn

-VS-

**Rodnick Bros., Inc., Rodnick Fruit and
Gift Baskets, Inc. and Rodnick International,
LLC,**

Defendants.

STIPULATED ORDER FOR DISMISSAL WITHOUT PREJUDICE

This matter having come before the Court per agreement of the parties, and the Court being fully advised in the premises;

IT IS HEREBY ORDERED that plaintiff's Complaint be, and hereby is, dismissed, without prejudice. This matter is dismissed without prejudice to re-filing, in a court of appropriate jurisdiction, subsequent to resolution of matters currently pending before the United States Court of Appeals for the Sixth Circuit (being cases: 10-1325, 10-1349, and 10-1678).

IT IS FURTHER ORDERED that the applicable statute of limitations will toll for the claims of Plaintiffs and any putative class members for any statute of limitations defenses that would have accrued subsequent to the filing of the Complaint in this matter and up through, only, fourteen days after the time of final decisions before the Sixth Circuit Court of Appeals as described above.

Dated: June 23, 2010

s/Avern Cohn
U.S. District Court Judge

Stipulated to:

/s/ Jason J. Thompson (P47184)
Attorney for Plaintiff

/s/ w/consent John Mitchell (P39892)
Attorney for Defendants